A Treaty Marine

BETWEEN

The Most Serene and Mighty PRINCE,

CHARLES II.

By the Grace of God King of *England*, *Scotland*, *France* and *Ireland*, Defender of the Faith, *&c.*

And the

High and Mighty LORDS

THE

STATES GENERAL

OF THE

UNITED NETHERLANDS.

To be observed throughout all and every the Countreys and Parts of the World by Sea and Land,

Concluded at *London* the First day of *December* 1674. S. V.

Published by His Majesties Command.

DUBLIN,

Printed by Benjamin Tooke, Printer to the [illegible] And are to [illegible]-street.

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DIX.

Dublin 1844 (1)

A Treaty MARINE.

Artic. I.

THAT it shall and may be lawfull, for all and every the subjects of the Most Seren and Mighty Prince, the King of *Great Britain* aforesaid, with all Freedom and Safety to Sail, Trade and exercise any manner of Traffique, in all those Kingdoms, countrys and estates, which are, or at any time hereafter shall be in Peace, Amity or nutrality with his said Majesty; so that they shall not be any ways hindred or molested in their navigation or trade, by the military forces, nor by the ships of War, or any other kind of Vessels whatsoever, belonging either to the high and mighty states general of the *united netherlands*, or to their Subjects, upon occasion or pretence of any hostility or difference which now is or shall hereafter happen between the said Lords the states general, and any Princes or people whatsoever, in Peace, amity, or nutrality with his said Majesty: and likewise, that it shall and may be lawful for all and every the subjects of the said High and mighty Lords, the States General of the *United Netherlands*, with all freedom and safety to sail, trade, and exercise any manner of Traffick in all those Kingdoms, Countreys and Estates, which are, or at any time hereafter shall be in peace, amity or neutrality with the aforesaid Lords the States: so that they shall not be any ways hindred or molested in their navigation or trade, by the military forces, nor by the ships of War, or any other kind of Vessels whatsoever, belonging either to the most serene and mighty King above mentioned, or to his subjects, upon occasion or pretence of any hostility or difference, which now is or shall hereafter happen between his said Majesty, and any Princes or people whatsoever, in peace, amity or neutrality with the said Lords the States.

II. Nor shall this freedom of Navigation & commerce be infringed, by occasion or cause of any War, in any kind of merchandizes, but shall extend to all commodities which shall be carried in time of peace; those onely excepted which follow in the next Article, and are comprehended under the name of Contraband.

3. Under this name of Contraband or prohibited merchandizes, shall be comprehended only Arms, pieces of Ordnance, with all implements belonging to them, fireballs, powder, match, bullets, pikes, swords, lances, spears, halberds, guns, mortar-pieces, petards, granadoes, musket-rests, bandeliers, salt-peter, muskets, musket-shot, helmets, corslets, breast-plates, coats of mail, and the like kind of armature, souldiers, horses, and all things necessary for the furniture of horses, holsters, belts, and all other Warlike instruments whatsoever.

IV. These Merchandizes following shall not be reckoned among prohibited goods, viz. all kind of Cloth; and all other manufactures woven of any kind of wooll, flax, silk, cotton or any other material; all sorts of clothing and vestments, together with the materials whereof they use to be made; gold and silver, as well coined as not coined; tin, iron, lead, copper and coles; as also wheat, barley, and all other kind of corn or pulse; Tobacco, and all kinds of spices, salted and smoked flesh, salted and dried fish, butter and cheese, beer, oyls, wines, sugars, and all sort of salt; and in general, all provision which serves for the nourishment and sustenance of life; likewise all kind of cotton, hemp, flax and pitch; and ropes, sails, anchors; also masts and planks, boards and beams of what sort of wood soever, and all other materials requisite for the building or repairing ships, but they shall be wholly reputed [illegible] woods, even as all other wares and commodities which are not comprehended [illegible] freely transported and carried

of his ſaid Majeſty, even unto places in enmity with the ſaid States, as alſo on the other ſide, by the ſubjects of the ſaid States, to places under the obedience of the Enemies of his ſaid Majeſty; except onely towns or places beſieged, environed, or inveſted in French *Escoquees ou inveſties.*

V. And that all manner of differences and contentions on both ſides by ſea and land, may from henceforth ceaſe and be utterly extinguiſhed, it is agreed, that all kind of ſhips and Veſſels whatſoever, belonging to the ſubjects of his ſaid Majeſty, entring or being entred into any road or port under the obedience of the Lords the States, and purpoſing to paſs from thence, ſhall be onely obliged to ſhew unto the Officers acting in the ports of the ſaid States, or to the Captains of the States ſhips, or of private men of War (if any happen there to be) their paſſport, commonly called a Sea-brief (the form whereof is added at the end of theſe Articles;) nor ſhall any money or any thing elſe be exacted from them under that pretence; But if any ſhip belonging to the ſubjects of his Majeſty of *Great Britain*, ſhall in the open Sea, or elſewhere, out of the Dominions of the ſaid States, meet the ſhips of War of the ſaid Lords the States, or private men of war of their ſubjects, the ſaid ſhips of the Lords the States, or of their ſubjects, ſhall keep at a convenient diſtance, and onely ſend out their boat, and it ſhall be lawful for them onely with two or three men, to go on board the ſhips and Veſſels of the ſubjects of his Majeſty, that the paſſport (or *Sea*-brief) of the propriety thereof according to the Form hereafter ſpecified, may be ſhewen to them by the Captain or Maſter of ſuch ſhip or Veſſel belonging to the ſubjects of his Majeſty; and the ſhip which ſhall ſhew the ſame ſhall freely paſs, and it ſhall not be lawful to moleſt, ſearch, detain, or divert the ſame from her intended voyage: And all the ſubjects of the Lords the States ſhall enjoy in all things, the ſame liberty and immunity, they in like manner ſhewing their paſſport (or *Sea*-brief) made according to the Form preſcribed at the latter end of this Treaty.

VI. But if any ſhip or Veſſel belonging to the Engliſh or other ſubjects of his Majeſty, ſhall be met making into any port in enmity with the Lords the States; or on the other ſide, if any ſhip belonging to the United Provinces of the *Netherlands*, or other ſubjects of the Lords the States, ſhall be met in her way making into any port under the obedience of the Enemies of his ſaid Majeſty, ſuch ſhip ſhall ſhew, not onely a paſſport (or Sea-brief) according to the Form here under preſcribed, wherewith ſhe is to be furniſhed, but alſo her cocquets expreſſing the contents of the goods on board, given in the uſual Form, by the Officers of the cuſtoms in the port from whence ſhe came, whereby it may be known whether ſhe is laden with any merchandizes prohibited by the third Article of this Treaty.

VII. But if by the ſhewing the aboveſaid cocquets expreſſing the contents of the goods on board, given in the uſual Form by the Officers of the cuſtoms in the port from whence ſhe came, (concerning the ſhewing whereof it is above agreed) either party ſhall diſcover any kind of merchandizes, which in the third Article of this Treaty are declared to be contraband or prohibited, conſigned to any port under the obedience of their Enemies, it ſhall not be lawful to open the hatches of ſuch ſhip, in which the ſame ſhall happen to be found, whether ſhe belongs to the ſubjects of his Majeſty, or of the Lords the States; nor to unlock or break open the cheſts, males, packs, or caſks in the ſame, nor to convey away any the leaſt part of the merchandizes, before the whole be firſt landed in the preſence of the Officers of the Admiralty, and inventaried; neither ſhall it be any ways lawful to ſell, exchange, or otherwiſe to alienate the ſame, until ſuch prohibited goods are rightly and lawfully proceeded withall, and that the Judges of the Admiralty, have by their reſpective ſentences confiſcated the ſame: Provided always, that as well the ſhip it ſelf, as the reſt of the commodities found therein, which by this Treaty are to be reputed free, ſhall not upon pretence of their be-

ing infected by such prohibited goods, be detained, much less confiscated for lawful prize; but if not the whole, but a part onely of the Lading consists of contraband or prohibited commodities, and that the Master of the ship shall be willing and ready to deliver them to the captor who seized the same, in that case the captor shall not compel the ship to go out of her course, to any port he thinks fit, but shall forthwith dismiss her, and upon no accompt hinder her from freely prosecuting her designed voyage.

VIII. It is further agreed, that whatsoever shall be found laden by his Majesties subjects, upon any ship whatsoever belonging to the Enemies of the Lords the States, although the same be not of the quality of contraband goods, may be confiscated; But on the contrary, all that which shall be found in the ships belonging to the subjects of his Majesty, shall be accounted clear and free, although the whole Lading or any part thereof, by just title of propriety, shall belong to the Enemies of the Lords the States; except always contraband goods, which being intercepted, all things shall be done according to the meaning and direction of the precedent Articles; And by the same reason, whatsoever shall be found laden by the subjects of the Lords the States, in any ship whatsoever belonging to the Enemies of his Majesty, although the same be not of the quality of contraband goods, may be confiscated; But on the other side, all that which shall be found in the ships belonging to the subjects of the Lords the States, shall be accounted clear and free, although the whole Lading, or any part thereof, by just title of propriety, shall belong to the Enemies of his *Majesty*; Except alwayes contraband goods, which being intercepted, all things shall be done according to the meaning and direction of the precedent Articles. And lest any damage should by surprize, be done to the one party who is in peace, when the other party shall happen to be engaged in War, it is provided and agreed, That a ship belonging to the Enemies of the one party, and laden with goods of the subjects of the other party, shall not infect or render the said goods liable to confiscation, in case they were laden before the expiration of the terms and times hereafter mentioned, after the declaration, or publication of any such War, *viz.* If the goods were laden in any port or place between the places or limits called the *Soundings*, and the *Naz* in *Norway*, within the space of six weeks after such declaration; Of two moneths between the said place the *Soundings*, and the City of *Tangier*; and of ten weeks in the *Mediterranian Sea*; or within the space of eight moneths, in any other Countrey or place of the world; so that it shall not be lawful to confiscate the goods of the subjects of his *Majesty* taken or seized in any ship or Vessel whatsoever of any Enemy of the Lords the States, upon that pretence, but the same shall be without delay restored to the proprietors, unless they were laden after the expiration of the said Terms of time respectively; but so that it may not be lawful for them afterwards to carry to Enemies ports, the said merchandizes which are called contraband, and for the reason aforesaid shall not be liable to confiscation; Neither on the other side, shall it be lawful to confiscate the goods of the subjects of the Lords the States taken or seized in any ship or Vessel whatsoever of an Enemy of his *Majesty*, upon that pretence; but the same shall be forthwith restored to the proprietors thereof, unless they were laden after the expiration of the said Terms of time respectively; But so, that it may not be lawful for them afterwards to carry to Enemies ports, the said merchandizes which are called contraband, and for the reason aforesaid shall not be liable to confiscation.

IX. And the more to assure the subjects of his Majesty and of the said States, that no injury shall be offered to them by the ships of War, or private men of war of either side, all the Captains of the ships as well of his Majesty, as of the said *States*, and all their subjects who [illegible] private men of war, and likewise their priviledged Companies, shall be [illegible] injury or damage whatsoever to the other; which if they do [illegible]

punished, and moreover be liable to satisfie all costs and damages, by restitution and reparation, upon pain and obligation of person and goods.

X. For that cause all the Commanders of private men of war, shall from henceforth be obliged before they receive their Commissions, to enter before a competent Judge, good and sufficient security by able and responsible men, who have no part or interest in such ship, in the sum of fifteen hundred pounds *sterl.* or sixteen thousand five hundred Gilders; and when they have above one hundred and fifty men, then in the sum of three thousand pounds sterl. or three and thirty thousand Gilders, that they will give full satisfaction for any damages or injuries whatsoever, which they or their Officers, or others in their service shall commit in their courses at *Sea*, contrary to this present Treaty, or any other whatsoever, between his Majesty and the said States, and upon pain of revocation and annulling their said Commissions, in which it shall be always inserted, that they have given such security as aforesaid; and likewise it is agreed, that the ship it self shall be also liable to make satisfaction for injuries and damages done by her.

XI. His Majesty, and the said States being desirous that the Subjects of each other may be mutually treated in all countreys under their obedience respectively with the like kindness as their own Subjects, will give all necessary and effectual orders that Judgments upon prizes taken be given according to the rule of Justice, and Equity, by Judges beyond all suspition and not any way concerned in the cause under debate; and his Majesty and the said States will likewise give strict orders that all sentences already given and which shall be hereafter given, be (according to the tenor thereof) duly put in Execution and obtain their Effect.

XII. And whensoever the ambassadors of the said *Lords* the States or any other their publick Ministers, resident at the court of his most serene Majesty of *Great Britain*, shall complain of the unjustness of *Sentences* which have been given, His Majesty will cause the same to be reviewed and Examined in his *council*, that it may appear whether the orders & precautions prescribed in this treaty, have been observed, and have had their due effect, & will also take care that the same be fully provided for, and that right be done to the party complaining, within the space of three moneths; And likewise when the Ambassadors, or other publick ministers of his Majesty, resident with the States General, shall complain of the unjustness of sentences, the said States will cause a review and examination thereof to be made in the *Assembly* of the State General, that it may appear whether the orders and precautions prescribed in this Treaty have been observed, and have had their due effect. and they will likewise take care that the same be fully provided for, and that right be done to the party complaining, within the space of three moneths: Nevertheless it shall not any wayes be lawful to sell or unlade the goods in controversie, either before the sentence given, or after it during the review thereof, on either side, unless it be with the consent of the parties interessed.

XIII. A suit being commenced between the takers of prizes on the one part, and the claimers thereof on the other, and a sentence or decree being given for the party reclaiming, the said sentence or decree (upon security given) shall be put in execution, notwithstanding the appeal made by him that took the prize, which shall not be observed, in case the sentence shall be given against the claimers.

XIV. And whereas the Masters of merchant ships, and likewise the marine, and passengers, do sometimes suffer many cruelties, and barbarous usages, when they are brought under the power of ships which take prizes in time of war the takers in an injurious manner tormenting them, thereby to Extort from them such confessions as they would

by the severest proclamations or placaets, forbid all such hainous and Inhumane offences, and as many as they shall by lawful proofs find guilty of such acts, they shall take care that they be punished with due and just puishments, and which may be a terror to others; and shall command that all the captains and officers of Ships, who shall be proved to have committed such hainous practises, either themselves or by instigating others to act the same, or by conniving while they were done, shall (besides other punishments to be Inflicted proportionably to their offences,) be forthwith deprived of their offices respective ly; and every Ship brought up as prize whose mariners or passengers shall have suffered any torture, shall forthwith be dismissed and Freed, with all her lading, from all further Examination and proceedings, against her, as well judicial as otherwise.

XV. *It* is also Agreed, that the like severity of punishments shall be inflicted upon those who contrary to the meaning of the one and twentieth Article of the Treaty of peace concluded at *Breda*, shall take commissions from Enemies, to seize the Ships of either Ally (or party) contrary to what is provided in the said article. XVI. Lastly, It is agreed and concluded that this present treaty and all and singular the things, therein contained, shall be with all convenient speed on both sides ratified and confirmed, and that the ratifications thereof shall be within two Moneths from the date hereof, rightly and reciprocally exchanged between both parties; and also that the said treaty shall within one moneth after such Exchanging of the ratifications, be delivered in due and authentique form to the governours of the English *East-India* and *Affrica* companies and to the directors of the dutch *East* and *west-India* companies, and shall with the first conveniency be also sent by his said Majesty, and by the said Lords the States, to their respective governours and commanders in chief of their colonies and plantations in every part of the world out of *Europe*, to the end that it may be by them, and all others within their dominions and under their power, punctually observed and fulfilled

The Form of the Passport (or Sea-brief) to be asked of, and given by the Lord High Admiral, or by those to whom the Exercise of Admiralty-Jurisdiction is ordinarily committed, or by the Mayor, or other chief Magistrate, or by the Commissioners, or other principal Officers of the Customs in their respective Ports and places within His Majestics Dominions, to the Ships and Vessels sailing out thence, according to the Purport of the Fifth Article.

TO all unto whom these presents shall come, Greeting. We Lord High Admiral of We Lords Commissioners executing the office of the Lord High Admiral of or we Judge of the High Court of the Admiralty of or we the Mayor, or other Magistrate of or we Commissioners, or principal officers of the Customs in the City or port of Do testifie and make known, That Master or Commander of the Ship called the hath appeared before Us, and hath declared by Solemn oath, That the said Ship or Vessel containing about Tons, of which he is at present Master or Commander, doth belong to the Inhabitants of within the Dominions of the most Serene and mighty Prince, the King of England, Scotland, France and Ireland, Defender of the Faith, &c. So help him God. And in case it would be most acceptable to Us, that the said Master or Commander be assisted in his just and lawful Affairs, we do request you, and every of you, wheresoever the said Master or Commander and the Goods laden on board and carried in her, that you would please

and other Duties, to enter into, remain in, and pass from your Ports, Rivers, and Dominions, and there to enjoy all kind of right of Navigation, Traffick, and commerce, in all places where he shall think fit; which we shall most willingly and readily acknowledge upon all occasions. In testimony and confirmation whereof, we have with our Hand signed these Presents, and caused the same to be sealed with our Seal: Dated at in the day of in the year of our Lord

The Form of the Passport (or Sea-brief) to be asked of, and given by the Burger-masters of the Cities and Ports of the *United Netherlands*, to the Ships or Vessels sailing from thence, according to the Purport of the Fifth Article.

TO the most Serene, most illustrious most Mighty, most Noble, most Honourable and most Prudent Emperours, Kings, Governours of Common-wealths, Princes, Dukes, Earles, Barons, Lords, Burger-masters, Schepens, Councellors, Judges, Officers, Justices, and Rulers of all Cities and Places, as well Ecclesiastical as Secular, to whom these Presents shall be shewn; We the Burger-masters and Rulers of the City of do Certifie, That Master or Skipper of the Ship appeared before Us, and Declared by Solemn Oath, That the said Ship called the commanding about Lasts, of which he is at present master or skipper, belongeth to the Inhabitants of the United Netherlands. So help him God. And in regard it would be unacceptable to Us, that the said master or skipper be assisted in his just and lawful affairs, we do Request you, and every of you, whatsoever the said master or skipper shall arrive with his Ship, and the Goods laden on board and carried in her, that you would please to receive him courteously, and use him kindly, and admit him upon paying the lawful and usual customs and other duties, to enter into, remain in, and pass from your ports, Rivers and Dominions, and there to enjoy all kind of right of Navigation, Traffick, and commerce, in all places where he shall think fit; which we shall most willingly and readily acknowledge upon all occasions: In testimony and confirmation whereof, we have caused the Seal of our City to be hereunto put. Dated at in the day of in the year of our Lord

In Testimony and confirmation of all and singular the premises, we the Commissioners of His Majesty, and the Lords the States General aforesaid, being sufficiently impowered thereunto, have to these presents subscribed our Names, and Sealed them with our Seals, At *London*, the First day of *December*. 1674.

Tho. Culpeper	*J. Corver*
G. Downing	*G. Sautyn*
Richard Ford	*Samuel Beyer*
Will: Thomson	*And. Van Vossen*
[illegible]	*P. Duvelaer*
[illegible]	*M. Michielszn.*

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The Form of the Passport (or Sea-brief) to be asked of, and given by the Burger-masters of the Cities and Ports of the *United Netherlands*, to the Ships or Vessels sailing from thence, according to the Purport of the Fifth Article.

TO the most Serene, most illustrious most Mighty, most Noble, most Honourable, and most Prudent Emperours, Kings, Governours of Common-wealths, Princes, Dukes, Earles, Barons, Lords, Burger-masters, Schepens, Councellors, Judges, Officers, Justices, and Rulers of all Cities and Places as well Ecclesiastical as Secular, to whom these Presents shall be shewn; We the Burger-masters and Rulers of the City of do Certifie, That Master or Skipper of the Ship appeared before Us, and Declared by Solemn Oath, That the said Ship called the containing about Lasts, of which he is at present master or skipper, belongeth to the Inhabitants of the United Netherlands: So help him God. And in regard it would be most acceptable to Us, that the said master or skipper be assisted in his just and lawful affairs, we do Request you, and every of you whersoever the said master or skipper shall arrive with his Ship, and the Goods laden on board and carried in her, that you would please to receive him courteously, and use him kindly, and admit him, upon paying the lawful and usual customs and other duties, to enter into, remain in, and pass from your ports, Rivers and Dominions, and there to enjoy all kind of right of Navigation, Traffick, and commerce, in all places where he shall think fit; which we shall most willingly and readily acknowledge upon all occasions: In testimony and confirmation whereof, we have caused the Seal of our City to be hereunto put: Dated at in the day of in the year of our Lord

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